

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, February 4, 2008
7:00 p.m.**

1. Public Participation – Mayor Post opened this part of the meeting at 7:00 PM

Jim Welu, 30231 E Mill Run, Milton, DE: I want to make some points on public participation. As I recall when Mayor Bush introduced this section it was primarily for citizens to bring ideas to the Council before the meeting of items that weren't on the agenda rather than to be addressed in the agenda items. We have a mayoral election coming up on town and we have three mayoral candidates. According to this paper Mr. Post and C Hudson were in favor of that type of public participation. C Prettyman thinks the same. Other item that is on the agenda is awards to various community groups. I'm not sure how the four groups were selected. Based on my experience in this community over the last 25 years I think an organization that has not been addressed is the Cat Snippers. I think they have done a tremendous job of trying to cut down on the feline cat population. They've done a tremendous job and should be given some type of consideration.

John Collier: Item 14F under old business. While this resolution has merit and good intentions it's hardly an expression of support for all groups that enhance Milton as a community. By recognizing a select few and leaving the others to fight for scraps. In a community there are many groups and organizations that serve the greater good. While it would be fiscally irresponsible to taxpayers to make a financial commitment to all, certainly it would be responsible to level the playing field and give each group an equal opportunity. I would urge this Council to resolve to establish a comprehensive grant program, allow all to apply and justify their needs, encourage them to provide matches, make them commit to expenditures for specific purposes. Additional programs I suggest would allow those who prepare the budget an opportunity to forecast revenues and suggest a funding pool. A program such as this certainly would be less prejudicial to qualified recipients and taxpayers alike.

Marion Jones, Berringer Avenue: Addressing C Martin- "I would urge you to go back and continue with this resolution but in the process of announcing the grant, the criteria of the grant, how to apply, dates to apply by, review by an impartial board, and recommendation back to Mayor and Council in time to make a vote to put it on the budget."

Wendy Harpster, Berringer Avenue: "I would like to know what we could do to help the Cat Snippers land a grant. Many of the Town's residents can't afford to pay for the spaying, neuter and vaccinations, which include rabies that help maintain to most important aspect of control of the colony. Obviously, the Cat Snippers do not generate foot traffic through Town, but the services that we offer certainly help keep Milton attractive and safe. I could just imagine how much more we could do if we had more money to work with."

Robert Howard, Chandler Street: Development for the Riverwalk, the White property – "I would point out that even where the single family homes are would abut the Preserve on the Broadkill. The lot sizes are slightly more than half the size of the lots of the Preserve on the Broadkill. There will be two houses for every house on the other side of the property line. There was a lot of discussion about buffer zones. My point is now there is a fence row there with some existing trees that are fairly mature. There was discussion whether they could be preserved or not. No definitive commitments were made that I know of. My request is at the appropriate time that if you can some way be found to commit the developer to preserve those relatively mature trees that lie on the boundary between the two developments."

Kelly Cannon: "My wife and I are writing an opposition to the proposed ABC license of Midtown Liquor Inc. proposed on 524 Union St. This possibility would damage the integrity of Milton and the surrounding residential area. Permitting such an establishment in a residential area would be poor planning on everyone's part. This is an undesirable land use for a primarily residential area. Many residents have concerns about property values declining as a result of the proposed liquor store. I live within 40 yards of the liquor store. There are many families with children in this area as well as mine that live within that range. Unwanted traffic congestion is undesirable pedestrian consumer traffic is of major concern. Kids play throughout this area. I don't want my place to be a thorough way for people buying discount liquor and just leaving all the way up until midnight possibly. Commercial lighting would also be a nuisance at night. This would be a lone business surrounded by several hundred households in a 1 mile radius. The current entrance to this establishment is on Tobin Dr. This particular drive is not suited for such high volume commercial traffic entering or leaving from the store. Currently, there is no right of way from Union Street and this is a Union Street address. H O Brittingham is .2 of a mile from this location. Milton Elementary School is about a mile, maybe 1.4. Two churches are located within .1 of a mile of the property. One Corporate daycare center, Shells, is .5 of a mile. There are enough liquor stores located within a 1 mile radius. This property which was my fathers' office at one time has been a professional building, not a retail business. I hope that the Board and P&Z of this town will support an opposition to the best of their capabilities that we can try and stop this as soon as possible.

Katherine Grieg, 326 Union St, President of the Milton Garden Club: Gave the Milton Garden Club report. "Our big pitch tonight is we are having a fund raiser at Roadhouse Steak Joint on Feb 18. They will be giving us 10% of all the food proceeds from opening to closing. At the same time we're selling our raffle tickets for the spring garden clean up or the fall garden clean up. We usually sell them for \$5 each, 5 for \$20, but we printed up the flier and they say \$5 each, 6 for \$20. We're leaving it that way so it's a real bargain."

Jeff Daily, 211 Grist Mill Drive, Cannery Village: I've lived in Milton for nearly a year now, never before have I experienced a more welcoming community. In just 2 years Milton under this mayor and with the help of the many of the sitting Council members has managed more accomplishments that represent concrete advancement of the town and the citizens' interests than perhaps has been realized in all of Milton's history in so short a time. While I do not speak for my neighbors I do know that my thoughts and feelings are shared by many in the Cannery Village neighborhood along with neighbors throughout Milton. At last month's Town Council Meeting a lengthy presentation was made regarding an HOA/LPD neighborhood called Riverwalk on the Broadkill. How is it that developers are quick to show pictures of street sign posts and street lights but only describing words such as important community attributes as landscaping both hard and soft such as retaining walls and/or plantings as well as tree barriers? I commented that with the capability of generating computer renderings of landscaping and tree barriers Council and the Mayor and citizens alike could more easily see what it is they are supposed to be getting and in the case of Council subsequently voting on it. Pictures also constitute standards and standards represent commitments that must be met and adhered to throughout a building project from it's inception to its completion. As recently as the end of last week and without residents of my Cannery Village neighborhood being informed without Town officials being informed what I will call the dollaring down of Cannery Village might have begun. In fairness to the developer and perhaps because of public outcry as a result of seeing an ad in a local newspaper having to do with a new builder coming into Cannery Village the developer on Friday afternoon indicated that changes, if made, would be more in keeping with original standards. This certainly is my hope. However, it again points out the need for comprehensive narratives that accompany master plans and extend beyond the Town's approval and on into a development's unfolding one phase to the next. There is the health club and pool issue in my neighborhood that landed the town and developer in local newspapers and put all parties in a very bad light. The Mayor and Town Manager Dickerson have been open and honest with all of the Cannery Village residents. They communicate with us regularly. This is in sharp contrast to our developer who promised monthly meetings with our neighborhood representatives. A promise made last summer followed by only one

meeting. After all I have learned coming up on my one year residency in Milton I want to offer my endorsement of the Mayor and those Council members up for election if they are willing to continue the fight for smart growth.”

Ginny Weeks – “I have 14 pages that have been given to me of a petition that was signed in opposition to the coming liquor store. I would ask you to begin the down-zoning of this parcel and any other parcel than in the past appears to have been spot zoned throughout Milton where you have business properties in the middle of residential districts.”

Bonnie Ward –Parking ordinance pertaining to Prettyman Street.

Pat Bachelor – I’m here representing the Milton Chamber of Commerce. Candidates’ forum on Feb 23 from 10-2 at the Fire Hall. We will take the questions before the meetings; then have each of you answer the questions.

Mayor Post closed the public participation at 7:32.

Call to Order – Mayor Post reopened the Milton Town Council Meeting at 7:32 PM.

2. A Moment of Silence was led by Councilwoman Betts.
3. The Pledge of Allegiance to the Flag was said by all.
4. Roll Call: C Martin-Brown, “here”; C Duby, “here”; C Hudson, “here”; C Prettyman, “here”; C Abraham, “here”; C Betts, “here”; and Mayor Post, “here”.
5. Additions or Corrections to the Agenda
C Prettyman: I would like to amend the agenda to move 14a to 9. Mayor Post: I’d also like to request if we could move 15b to 8. C Abraham: Second. Mayor Post: We have a motion and a second, all in favor, motion carried. C Hudson: I’d like to make a motion for discussion and decision on a date for a workshop on reassessment of property. John Brady: That would be putting that under new business, now 15i. C Duby: Second. Mayor Post: We have a motion and second, all in favor, motion carried.
6. Approval of Agenda
Mayor Post: Can we have a motion to approve the agenda as amended? C Duby: So moved. C Prettyman: Second. Mayor Post: We have a motion and second, all in favor, motion carried.
7. Presentation of Minutes: January 7, 2008
C Prettyman: I make a motion that we accept the minutes as written. C Hudson: Second. Mayor Post: We have a second on the motion. Any discussion on the motion? C Hudson: Page 18 there was a vote on accepting the second bidder and my names not on there as having voted. I would like to add my name and the vote. C Prettyman: I amend the motion to enter C Hudson’s name to the minutes on page 18. C Betts: Second. Mayor Post: We have a motion and a second. C Duby: I just looked at page 19 and I think there’s another mistake. When we voted on the sidewalk issue which we’re going to reconsider tonight it shows C Prettyman making a motion that we accept the subdivision request and then it shows him voting no underneath. I don’t believe he did so. Mayor Post: Now can we have an amendment to your motion to accept. C Prettyman: I made the motion to accept the corrections on page 18 with C Mary Hudson and on page 19 with myself. Mayor Post: We have a motion can we have a second? C Duby: Second.

Approval of Minutes by Council

Mayor Post: We have a motion and a second, all in favor, motion carried.

8. Citizen of the Year Award

Mayor Post: Award was presented to Kathryn Grieg, President of the Milton Garden Club with the Mayor's 2007 Citizen of the Year Award. Katharine Grieg: "I feel really bad about taking this because it belongs to so many people. I thank all of you for your support."

9. Discussion and Vote on committee reports to be in oral or written form

C Prettyman: I'd like to make a motion that the Council approves all reports being in a written form to the Town Hall in a timely manner so we could have them in our package before the next Council Meeting. C ??????: Second. Mayor Post: We have a motion and second. [Discussion by Council.] Mayor Post: We have a motion and a second. I'll do this by roll call: C Prettyman, "yes"; C Abraham, "yes"; C Betts, "yes"; C Martin-Brown, "yes"; C Duby, "yes"; C Hudson, "yes"; and Mayor Post, "yes". Motion carried.

10. Committee Reports – Mayor Post

C Abraham for the Personnel Committee. Julie Powers from our Administrative Office has received her bachelors from Wilmington College for Human Resource Management.

11. Town Manager Report – The Town Manager had some family issues and could not be here tonight.

Stephanie Coulbourne: gave Town Manager report.

C Hudson: Of the grant money received by the Emergency Preparedness Committee from DEMA \$4,000 is going to pay for a repeater to be installed on the water tower. The installation costing \$1800 will be donated by RediCall if they are allowed to install an antenna. The neighborhood watch is asking of the Council \$1600 for six 400 megahertz radios and additional signs. Previously the Council approved \$6000 for two decimeters. The decimeters were never purchased as far as I know. Mayor Post: There are being purchased. At least one is. C Hudson: Good well that would leave \$3000. We're asking the Council to approve spending \$1600 of that unused \$3000 for neighborhood watch radios. John Brady: There are two parts of that C Hudson that I have concerns with. One, it wasn't amended or put on the agenda and so there's not be given public notice of the intent to move the money. Two, with regard to putting in an antenna allowing a proposal where they would install it for xx \$ as long as they were given the opportunity to putting an antenna up we have bidding laws in the charter that we have to follow and it may be something that may not be acceptable because they may have to put it out for bid to see what other bidders would do. This can be put on the agenda for next month. I would suggest that it be held for March 3 agenda and placed under new business at that time. C Hudson: Thank you. That's what I was hoping for.

12. Town Solicitor Report – Mr. John Brady.

13. Written Reports from:

- a. Maintenance: C Prettyman: I make a motion we accept the December 2007 report as written. C. Hudson: Allen I have a question. Last month someone questioned about a black walnut tree that had a vine that needed removal. Were you able to attend to that? C Prettyman: Excuse me Mr. Mayor, I made a motion, we haven't had a second of a motion so we can't have a discussion. At least Robert Rules says. C Hudson: I second. Mayor Post: We have a motion and a second. Any discussion? Mayor Post: We have a motion and second, all in favor, motion carried.

- b. Code Enforcer: C Prettyman: I make a motion that we accept the Code Enforcers report dated January 2008 accepted as presented. C Abraham: Second. Mayor Post: We have a motion and second, all in favor, motion carried
- c. Police C Prettyman: I make a motion we accept the December 21, 2007-January 20, 2008 Police Report as written. This is not a complete report. C Hudson: Second. Mayor Post: We have a motion and second, any discussion to the report. C Hudson: Yes, I think there needs to be a correction on several pages. See on the first page where it says complaints. C Prettyman: I make an amendment that we wait until Chief Phillips can review this report and bring it back to us March 3. C Abraham: Second. Mayor Post: We have a motion and a second, all in favor, motion carried.

14. Old Business

- a. Discussion and possible reconsideration of vote - Milton Rails to Trails Contractor Approval.
John Brady – Last fall you passed and awarded the bid on the Rails to Trails to the lowest bidder that had complied with all the requirements to fill out all the paperwork. Ten of the bidders were disqualified because they did not comply with all the requirements. Only one completed all the requirements. The bid was awarded to the second lowest bidder because the lowest bidder did not fill out the paperwork completely as required under the terms of the bid. This was a recommendation you made to DELDOT. They sent it to their Legal Department. There are two lawyers. One said go with the lowest bid, the second one said go with the bid that was recommended. They split. They sent it back to the town to decide. Mayor Post: Let me ask you this. You just said there were 11 bidders and 10 of them bid it incorrectly. So technically then can it go back out to bid because there obviously some misunderstanding if ten people led a bid incorrectly. I find that hard to believe. John Brady: To the extent that of the 11 bidders the packet was very clear as to what was required. Noted in the packet there certain corners that were required by DELDOT because this was funding that coming from DELDOT. The other bidders in their request for reconsideration came in well we knew DELDOT had our forms on file that's why we didn't attach them again. The paperwork clearly said that the Town of Milton had the initial review and all the documents had to be submitted. When you looked at this in the fall you determined by a unanimous vote to award it to the second lowest bidder for complying with all the bidding requirements. Mayor Post: How much is the difference between the first and second bidders? John Brady: Less than \$20,000. Now DELDOT has said the lowest bidder is contesting and they wanted to have it reconsidered at the town level or they may file suit against the town. Mayor Post: Are we saying that the first bidder was rejected? John Brady: The lowest bidder was rejected by a vote of Town Council because they did not comply with all the requirements in the bid packet. Mayor Post: Is the state backing us up that they did not meet all the requirements in the bid packet? John Brady: There are two lawyers assigned to DELDOT. C Duby: Who prepared the bid packet? The town or DELDOT? John Brady: Our consultant prepared it based on the DELDOT requirements in the DELDOT bid book. Mayor Post: Can we not put it back out to bid? It may cause a little bit of money. Let it rebid. And then they bid it right. John Brady: Here's the problem with that. Everybody knows who bid what. The number 2 bidder is going to challenge saying we did it right you previously told us we got the bid and now you're saying you're changing the specifications at this point. Mayor Post: And that's when I say to the Town Solicitor you make the decision for the Council. John Brady: Last fall I told you to accept the second lowest bid as being in compliance. Courts have traditionally hold that if someone files the bid in all the right procedures they're in compliance. C Duby: Mr. Mayor may I make a motion that we reconfirm our earlier decision to grant the contract to the second lowest bidder because that bidder complied with the instructions in the bid packet. C Prettyman: I Second. Mayor Post: We have a

motion and a second, any discussion to this motion. Roll call vote: C Martin-Brown, “yes”; C Duby, “yes”; C Hudson, “yes”; C Prettyman, “yes”; C Abraham, “yes”; C Betts, “yes”; and Mayor Post, “yes”. Motion carried.

Stephanie Coulborne: Gave an update on Rails to Trails project.

- b. Rezoning of White Property from R1/R3 zoning to R1/R3 zoning with an LPD (Large Parcel District) overlay and for preliminary approval of an LPD (Large Parcel District) master plan.

C Abraham: I think this is a very important decision that the Council is going to have to make on what we do so close to the Broadkill River. Also, in getting this just tonight I would to make a motion that we table it. Mayor Post: I just know there were several things in conversation at the workshop that I don’t see reflected in here. I’ve realized that it needs to be written in more detail. The wording is everything. We had a heavy discussion on what they say they’re going to do. For example, trees. 2.5” diameter, then we went back to 3.5” diameter than supposedly C Martin-Brown has learned that 2.5” is the best. But in here it says at least 630 street trees. John Brady: Sorry to interrupt but as Parliamentarian I have to tell you there is a motion pending. There hasn’t been a second so discussion would be inappropriate at this point. C Betts: I second. [Discussion by Council]. C Duby: Can we amend that or may I ask the maker of the motion for an amendment that says we will table it until such time that we have the information we need from our staff and consultants about what’s required at what stage of this approval. So that this doesn’t come back next month and we still don’t have the information. C Abraham: I amend my motion and we table this issue of the Riverwalk on the Broadkill until we have the information from our staff & consultants to evaluate this issue more educated. Mayor Post: Do we have a second. C Martin-Brown: Second. Mayor Post: Ok we’ll do roll call vote: C Hudson, “Yes”; C Duby, “Yes”; C Martin-Brown, “Yes”; C Prettyman, “Yes”; C Abraham, “Yes”; C Betts, “Yes”; and Mayor Post, “Yes”. Motion carried.

- c. Amendment to Zoning Ordinance Article 11.0.1- Establishment and Duties of the Board of Adjustment

John Brady: Read Ordinance into record. This now allow the town ordinance to be in conformance with State Law. Mayor Post: And this is what we’re talking about as an example of cleaning up ordinances that were written incorrectly in the past. C Duby: Can it say sworn in members of the Council? John Brady: That’s permitted by the Charter. It does not distinguish between elected members and appointed members. You all have the same duties and powers. If you wish clarify and take that word out and have majority vote of the members of Town Council that’s fine. C Duby: If you’re confident it will stand up to a legal challenge I have no problem with that. C Prettyman: I make a motion that we send Article 11, Section 11.0 to the Board of Adjustment for their review. C Abraham: Second. Mayor Post: We have a motion and second, any discussion to the motion? All in favor, motion carried.

- d. Reconsideration of vote to deny sidewalk waiver for Cannery Village Phase 3A

Mike Covin: Gave quick synopsis of how they ended up asking for waiver. “Basically, we’re asking for a little bit of relief here in order to avoid having a pretty significant impact on this pond. C Prettyman: For the safety of the community I would recommend we not have sidewalks. If you put sidewalks over there they’re going to walk, the kids are going to skateboard and then there’s a safety issue. In the development they have sidewalks all around that are going to be there. This is something over on the other side. I just see more of a safety issue not to have the sidewalk. Not to encourage people to go over there. Mayor Post: Also you’d have to have it handicap accessible. I could see that if had that retaining wall that would make it less of a problem. That’s why you put

the retaining wall there was to prevent any issued along that pond. But now that soil and conservation has outlawed it created an issue for you. C Duby: Is there any protection between the road and the pond? How much land is between the road and the pond? Mike Covin: There's enough of a level area along the edge that we're not worrying about vehicular traffic. At the intersection beyond this there's small section of guardrail that make sure that somebody didn't go straight through. C Prettyman: Also there would possibly be a higher curve on that side. How's your curving going to be on that side? Mike Covin: Everything is the standard town 8" curve. C Martin-Brown: I'd like to make a motion that we agree that we don't want for public safety reasons a sidewalk on that side and that we grant the waiver. John Brady: You can't make that motion. Because it was voted down the persons on the prevailing side have to make the motion. According to this it has to be either made by C Hudson, C Abraham, and C Betts. C Betts: I'll make the motion to rescind the previous vote and to restore for consideration the request for waiver. C Abraham: Second. Mayor Post: We have a motion and second, any discussion to the motion? Roll call vote: C Betts, "Yes"; C Abraham, "Yes"; C. Prettyman, "Yes"; C Martin-Brown, "Yes"; C Duby, "Yes"; C Hudson, "Yes"; and Mayor Post, "Yes". Motion carried. John Brady: Now it's been restored and any Council member may now make a motion regarding this in any matter. C Duby: I move that we grant the waiver requested by the developer to take the sidewalk off the plans near the pond in Phase III. C Prettyman: I second that motion. [Discussion by Council]. Mayor Post: Can we have a roll call vote on this motion? C Prettyman, "Yes"; C Abraham, "Yes"; C Betts, "Yes"; C Duby, "Yes"; C Martin-Brown, "Yes"; C Hudson, "No"; and Mayor Post, "Yes". Motion carried.

e. Resolution to Donate funds to specific organizations

C Martin-Brown: The reason that I felt this was important is I'm very concerned about the town center and the geographic area of town. We have a lot of vacant stores. The Theatre and the Garden Club Work and the Historic Society and anything else that brings foot traffic to the town center is essential to try and create some energy in the town. The motivation for this was to try to help those that are not membership organizations that are open to the public at large and encourage pedestrian foot traffic center to have a heads up that we appreciate their economic role in the town center and that we would want to give them a signal that come a new budget year they can have some predictability they're getting some money and they can go after state and foundation grants to match what's out there. I make the motion that the Mayor and Town Council approve this resolution as a commitment to these organizations for fiscal year 2009 budget beginning October 1, 2008. C Hudson: I will second it just to have the discussion. Mayor Post: We have a motion and a second. [Discussion by Council]. C Martin-Brown: Out of respect for the thoughts of my colleagues I would like to withdraw the motion with one other remark. That is, in having a grants program we have to not only have a program, but I watched an ugly dynamic over the last few years where these organizations that were specified three of them in the resolution shouldn't having to compete against each other. That's a real concern to me. These groups should be encouraged in many ways to work together. I thank you for you consideration of this resolution, but I withdraw the motion. Mayor Post: The motion is withdrawn.

f. Appointment of Town Council Treasurer

C Betts: I make the motion for C Abraham to be Town Council Treasurer. C Prettyman: I second. Mayor Post: We have a motion second. Roll call vote: C Prettyman, "Yes"; C Betts, "Yes"; C Martin-Brown, "Yes"; C Duby, "Yes"; C Hudson, "Yes"; and Mayor Post, "Yes". Motion carried.

- g. Discussion- Cannery Village Clubhouse and Pool Plans

John Brady: There's been some correspondence and revised plans as I understand were delivered to the Town Engineer. The approvals necessary to place it on the Planning & Zoning meeting were delivered as well. It is my understand that when the agenda is posted which will be in the next couple of days that it will be on the P&Z agenda for Feb 18, 2008 at 7PM here in the Milton Theatre for consideration by P&Z which would be two weeks from tomorrow.

15. New Business

- a. Employee of the Quarter- Councilwoman Abraham

C Abraham: We are awarding tonight two employees of the quarter: Julie Seichepine and Dustan Russum.

- b. Economic Development – Main Street Program Process

C Martin-Brown: I think Mr. Mayor I pretty much said everything that needed to be said.

- c. First Reading- Amend Ordinance 18-34 No Parking Area (f) change “North” to read “South”

John Brady: Read into record. Mr. Mayor this is the reading of the ordinance. The process normally followed is as referred to the appropriate committee which would be the Streets and Sidewalks Committee Chaired by vice-Mayor Betts. And then be reported out of Committee for a public hearing and consideration March 3, 2008 at the next regular scheduled Council Meeting. C Abrahams: I'll make a motion to refer it to Streets and Sidewalks Committee. C Prettyman: I second that motion. Mayor Post: We have a motion and a second, any discussion? All in favor, motion carried.

- d. Discussion and Vote on possible placement of a moratorium in the Historic District and Town Center zones in the Town of Milton.

John Brady: A possible placement of a moratorium on the Historic District and Town Center zones the moratorium would be a land use issue. Land issues have to have a public hearing before enactment. The only time you can pass that is if the record supports and emergency. An emergency has not been noticed in this proposed ordinance. What I recommend is that you can discuss it but you're going to have to delay any vote until the March meeting and have it posted for a public hearing prior because under Title 25 of the Delaware Code Chapter 3 and issue involving land use is required to have a public hearing notice 15 days prior. We did not have a public hearing schedule for tonight.

[Discussion by Council]

John Brady: The Chancery Court recently invalidated a Kent County Levy Court overlay ordinance because it was not county-wide. It is the opinion based on that that you have to do it either in the entire town or not do one at all. Based on that I will prepare what I believe is a legally sufficient ordinance, we'll get it on the public hearing notice, and we'll have it to the Town Clerk so it will be posted on the website 15 prior to the public hearing which will be March 3, 2008 at 7PM. C Duby: And what you prepare Mr. Brady have a definition of what it is specifically that cannot be demolished? Or are we talking about you cannot demolish any building in the entire town for as long as this in effect? John Brady: From what was discussed it was no demolitions, period. It would be from the point of enactment on. If there was a condemnation or order already issued by the Code Enforcement Officer that would have to be upheld? There is a appeal hearing

to the Town Council at the March 3, 2008 hearing of the pending demolition permit that was denied by the Historic Preservation Commission. That appeal hearing will be at the March 3, 2008 Council meeting as well.

- f. Historic Preservation Commission review of ordinances relating to the Historic District.

Mayor Post: That kind of ties into what we've just discussed so I guess this can override into the next Council meeting. Then we can get the three items like how they presented it today from that committee and they can go on to it next month. C Betts: I make a motion to table item f under New Business to the March 3 meeting. C Prettyman: I second. Mayor Post: Any discussion to the motion? All in favor, motion carried.

- g. Dog Park Committee Appointments

Mayor Post: There's been a lot of interest in reviewing the possibility of a dog park established in the town. I would like to put the names Bill Stoder, Klaus Haggelman and Denise Sutherd. There will be two more added to this next month, but these are the three that I would like to have confirmed this month. C Martin-Brown: So moved. C Abraham: Second. Mayor Post: We have a motion and a second, all in favor, motion carried.

- h. Vote on fee waiver for non-profits and candidates to have tables during the municipal election 3-1-08 as long as they are 50 feet away from voting entrance/exits.

John Brady: Anyone that could have a pecuniary interest in this matter, i.e. anyone who is a candidate for election next month may need to recues themselves and may not be able to make the motion or second. Mayor Post: We don't have a quorum. John Brady: Then why don't you break it down into non-profits and candidates? At least you can vote on the non-profits. The problem is all the candidates have a pecuniary interest in the vote and therefore I would have to tell you based on the town code and state ethics rules you would have to recues yourself. There are 5 of you sitting on the ballot this coming month. Mayor Post: I'm confused on this. I thought by law we have to be 50' anyway. John Brady: You have to be 50', but there's a town ordinance that says if you have a table set up in town you have to pay a fee. It's a peddler's license you're waiving. Mayor Post: Strike the word candidates. John Brady: If you strike the word candidates you can all vote. C Betts: I make a motion that we waive the fee for non-profits 200th Anniversary Committee, etc to have a table during the municipal election March 1 as long as they are 50' away from the voting entrance and exit. C Duby: Second. Mayor Post: We have a motion and a second, any discussion to the motion? All in favor, motion carried.

- i. Workshop for Tax Reassessment

C Betts: I make a motion to have a workshop to have a workshop on April 17, 2008 in regards to the reassessment. C Prettyman: Second. Mayor Post: We have a motion and a second, any discussion to the motion? All in favor, motion carried.

EXECUTIVE SESSION: Discuss Pending, Potential Litigation and Personnel

C Betts: I make a motion to go into Executive session. C Duby: Second. Mayor Post: We have a motion and a second, all in favor, motion carried. C Prettyman: I make a motion we come out of Executive session. C Betts: Second. Mayor Post: We have a motion and a second, all in favor, motion carried

16. Adjournment

C Duby: I move we adjourn. Mayor Post: We have a motion to adjourn at 10:12 PM. Do we have a second? C Hudson: Second. Mayor Post: We have a motion and a second, all in favor, motion carried.

Respectfully Submitted,

Julie Powers
Executive Assistant